IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1227 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31-10-2000 in WP NO : 20658 OF 2000 on the file of the High Court.)

Between:

The Deputy Secretary to Govt. of India,

Ministry of Home Affairs, Freedom Fighters Division,

Loknayak Bhavan, New Delhi.

..... APPELLANT

AND

1. Pilli Ramachandraiah, S/o Saiyyanna,

R/o H.No. 8-46, Narsampet, Warangal District,

Andhra Pradesh.

2. Govt. of A.P., rep. by its Secretary,

Revenue Department, Freedom Fighters Division,

Hyderabad (2nd petitioner).

.....RESPONDENTS

For the Appellant: MR.ARAJASHEKAR REDDY (SC FOR CG) .

For Respondent No.1: MR.Y.RAMA RAO, Advocate.

For Respondent No. 2: Government Pleader for Revenue.

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WRIT PETITION NO : 20658 of 2000

Between:

Pilli Ramchandraiah, S/o Saiyyanna,

R/o G,BI, 8-46, Narasampet, Warangal District.

..... PETITIONER

AND

1. The Deputy Secretary to Government of India,
   Ministry of Home Affairs, Freedom Fighter Division,
   Loknayak Bhavan, Khan Market, New Delhi.

2. The Government of Andhra Pradesh rep. by its
   Secretary, Revenue Department, Freedom Fighters Division,
   Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of writ of Mandamus to direct the 1st respondent to consider the case of the petitioner for grant of freedom fighter pension under S.S.S Pension Scheme, 1980 as per the recommendations made by the screening committee dtd. 11-10-1989, and as per the recommendations made by the 2nd respondent vide letter No. 3471/FF-II-3/86-1 by giving effect the payment of freedom fighters pension the petitioner from the date of his application in the interest of justice and equity.

For the Petitioner: MR.Y.RAMA RAO, Advocate.

For the Respondent No.1: Mr. A. Rajasekhar Reddy, Standing Counsel for Central Government.

For the Respondent No. 2: Government Pleader for Revenue.

The Court made the following:

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JUDGMENT: (per Sri B. Sudershan Reddy, J)

The 1st respondent – writ petitioner filed the writ petition questioning the inaction of the appellant in not considering his case for grant of pension under the Swatantra Sainik Samman Pension Scheme, 1980. The whole of the claim of the writ petitioner is based on the fact that his case was already considered by the Screening Committee constituted for the purpose of making appropriate recommendations in the matter of grant of pension under the said scheme. That pursuant to the recommendations of the Screening Committee dated 20-12-1992, the writ appellant directed the writ petitioner to submit the documents such as photographs, specimen signatures etc. That even after making those documents available, no action was taken by the appellant herein and it is under those circumstances, the writ petitioner had chosen to file the writ petition.

The learned single Judge upon evaluation of the facts disposed of the writ petition directing the appellant herein to release the pension by passing appropriate orders. It is against that order the present writ appeal has been preferred on various grounds.

That certain subsequent events that have taken place during the pendency of the writ appeal are required to be noticed. The State Government itself after making an elaborate enquiry submitted its recommendations to the appellant herein duly recommending the case of the writ petitioner for grant of freedom fighters pension. The case of the writ

petitioner has been recommended along with other claimants based on the report submitted by the Collector, Warangal vide letter No. 44143/FF/1/A1/03 dated 17-11-2003. In such view of the matter, there is no option left to the appellant except to grant pension to the writ petitioner under the said scheme by duly taking the recommendations of the State Government into consideration.

That an appropriate decision shall be taken by the appellant herein for release of pension to the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order.

In view of the subsequent events, the cause in this writ appeal does not survive requiring any further adjudication. The writ appeal shall accordingly stand dismissed and the writ petition is disposed of with a direction to the appellant herein to consider the case of the writ petitioner for payment of pension under the said scheme by duly taking the recommendations of the State Government into consideration, within the stipulated time.

(B. Sudershan Reddy, J)

07-02-2005

(C.V. Ramulu, J)

Note: Despatch copy of the order by tomorrow.

B/O

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To

1. The Deputy Secretary to Govt. of India,

Ministry of Home Affairs, Freedom Fighters Division,

Loknayak Bhavan, New Delhi.

2. The Secretary, Revenue Department, Govt. of A.P.,

Freedom Fighters Division, Hyderabad

3. Two CCs to the Government Pleader for Revenue, High Court of Andhra Pradesh, Hyderabad (OUT).

4. Two CD copies.